

PATENT

Appl. No. 09/827,256  
Amdt. dated February 16, 2005  
Reply to Office Action of November 16, 2004

REMARKS/ARGUMENTS

Claims 5, 11, 17, 18, 24, 25, 27, 32, 34-35, 37-42, 45, 47, 48, 53 and 54 remain pending. Claims 5, 24, 27, 34, 35 and 37 have been amended; and claims 8 and 36 have been canceled. Applicants gratefully acknowledge the allowance of claims 11, 32, and 54. Claims 36-38 were objected as depending from a non-allowed base claims, but were indicated as defining patentable subject matter. The subject matter of prior claim 36 was incorporated into claim 35, so that claims 35 and 37-39 should now be in condition for allowance. Reexamination and reconsideration of claims 5, 17, 18, 24, 25, 27, 34, 40-42, 45, 47, 48, and 53 are respectfully requested.

Examiner Interview

Applicants' thanks Examiner Smith for the courtesy extended to applicants' undersigned representative in a telephone interview conducted on February 15, 2005. Claims 5, 17, 18, 27, 34, and 45, as amended herein were discussed, along with Patent No. 6,288,220 to Kambara et al. Subject to an additional search by the Examiner, agreement was reached that amended claims 5, 18, 27, 34, and 45 were allowable. The Examiner also agreed to consider amended claim 17, and will review the Kambara et al. and other cited references regarding that claim.

Claims 24, 25, 40-42, 47, 48, and 53 depend from claims indicated allowable (subject to an additional search) in the Examiner Interview. The sole remaining issue may thus be the allowability of claim 17.

Applicants note that claim 17 recites spatially restraining a plurality of spectrally labeled bodies so as to define an array, and identifying the bodies from the spectra sensed by the sensor. Claim 17 also recites that the bodies are restrained within an array of openings affixed in a *multi-well plate*. As Applicants understand the Kambara et al. reference, it includes probes which are to be used within capillaries. The capillaries are not, and do not suggest, the wells of a multi-well plate. Hence, claim 17 is not reasonably taught or suggested by the cited art.

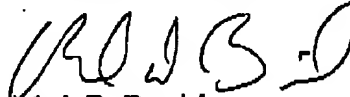
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CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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